THE HIGH COURT OF DELHI AT NEW DELHI

% Judgment delivered on : 12.11.2007

\+ **IA No. 12242/2007 & CS (OS) 1256/2005**

B. RATH .....Plaintiff

- versus -

MR DAVID BALL & ORS .....Defendants

Advocates who appeared in this case:
For the Plaintiff : Plaintiff-in-person.
For the Defendants : Ms Neelima Tripathi with Ms Taru Gupta

CORAM:-
HON'BLE MR JUSTICE BADAR DURREZ AHMED

1. Whether Reporters of local papers may be allowed to see the judgment?

2. To be referred to the Reporter or not?

3. Whether the judgment should be reported in Digest?

BADAR DURREZ AHMED, J (ORAL)

1. This is an application filed jointly on behalf of the plaintiff and the defendants under Order 23 Rule 3 read with Section 151 of the Code of Civil Procedure, 1908 (hereinafter referred to as "the CPC") for recording the compromise/ settlement arrived at between the parties and for decreeing the suit in terms of the settlement which has been reduced to writing in the Memorandum of Settlement dated 04.10.2007 and has been annexed as Annexure-I to the application. The learned counsel for

the plaintiff as well as the plaintiff, who is present in person, states that the entire payment which was required to be received by the plaintiff, as indicated in the previous order dated 24.10.2007, has now been received by him. Therefore, the application be proceeded with.

2. During the pendency of the suit the parties have amicably settled their disputes and the terms of the compromise have been reduced to writing in the shape of a Memorandum of Settlement dated 04.10.2007. The same, as mentioned above, is Annexure -I to the application. Clause 6 of the Memorandum of Settlement indicates that the suit be decreed as stipulated in terms of the settlement and thereafter no party shall have any surviving claim in respect of the present cause of action. It has also been agreed by all the parties that they shall not initiate any legal proceeding against each other relating to the present cause of action save and except in accordance with the terms of the compromise/ settlement.

3. The present application has been signed by the plaintiff as well as the defendant Nos.1 and 2. It has also been signed by the respective counsel for the parties. Affidavits of the plaintiff (Mr B.

Rath), Mr Swatantrya Kumar Datta-Ray (CEO of defendant No.2) and Mr David M. Ball (defendant No.1) have also been filed in support of this application.

4. I have examined the terms of the compromise/ settlement arrived at between the parties and I am satisfied that the same are lawful. Accordingly, the settlement/ compromise arrived at between the parties is taken on record. The suit is decreed in terms of the said Memorandum of Settlement dated 04.10.2007. This application be marked as Ext. C-1 and shall form part of the decree.

This application, the suit and other pending applications stand disposed of.

The formal decree be drawn up.

BADAR DURREZ AHMED
(JUDGE)

November 12, 2007
SR